

SAN FRANCISCO, April 9.—Northern California: Fair tonight; cloudy Tuesday; light frost Tuesday morning in some of the valleys; N wind in interior. San Francisco and vicinity: Fair tonight, cloudy Tuesday; fresh southeast wind.

# Oakland Tribune.

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## BANKER AND VARNEY TRUSTEE H. H. PITCHER COMMITTS SUICIDE AT HIS LIVERMORE HOME.

### WAS ORDERED TO PRODUCE SECURITIES IN SUPERIOR COURT

Trustee in Varney Estate Blows Out His Brains Just Before It Was Time to Give His Testimony.

### PITCHER ASKS A LOCAL BANK FOR \$5,000

Special to The Tribune.  
LIVERMORE, April 9.—(Banker H. H. Pitcher was evidently very hard up for money.  
Last night he sent his check on an Oakland banker for \$5,000. This check was made payable on the Bank of California in San Francisco.  
This morning \$5,000 in cash was sent by express to Livermore.  
Mr. Pitcher wanted the money as soon as possible, and as it could be shipped from Oakland sooner than from San Francisco, he sent the check there.

### RUN MADE ON BANK AT LIVERMORE

Special to The Tribune.  
LIVERMORE, April 9.—There was a big run on the Livermore Bank last week.  
This was caused by the testimony given in the Varney trust case.  
Many of the farmers got suspicious and drew their money out of the bank.  
During the week about \$20,000 was withdrawn from the bank.

### MYSTERY OVER SUICIDE OF THE LIVERMORE MAN.

Found Dead in Bed by His Gardener—No Explanation Given as to Why He Should Take His Life.

Special to The Tribune.

LIVERMORE, April 9.—With his head lying on a bloodstained pillow and a revolver in his right hand, H. H. Pitcher, cashier and manager of the Bank of Livermore, was found dead in bed at his home on L street in Livermore this morning.  
It is supposed that fear of an exposure of his affairs in court, of insanity, caused the despondent banker to send the bullet crashing through his brain.  
Pitcher was on the stand in the Varney case in this city Friday afternoon, and he left with an order to appear this morning with certain bank books. He took the late afternoon train to Livermore, but on the following day he visited his wife and daughter in Berkeley, returning to Livermore last night. He worked all evening in the bank, retiring later than usual.  
This morning Hans Sorensen, his gardener, went to call Pitcher at 8:30 o'clock, and he found his master dead.  
Pitcher had lived for years in Livermore, and the residents of that town, as well as many people in Oakland and San Francisco, are greatly excited over the sad affair. He had been quite nervous for the past week, presumably over the Varney case, in which he was one of the defendants, and it is supposed that despondency resulted from constant brooding over the disclosures, which were to be made in court this morning.

Special to the Tribune.

LIVERMORE, April 9.—H. H. Pitcher, Manager and Cashier of the Livermore Bank, was found dead in bed this morning.  
There was a bullet hole in his head and he held a pistol in his hand.  
The family of the deceased are temporarily residing on Channing Way, Berkeley, so that the children can attend school. Miss Pitcher attends Miss Head's school at Berkeley.  
Pitcher alone occupied the family residence on L street, in this city.  
Hans Sorensen, the gardener at the home, went to the house at 8:30 this morning to call Mr. Pitcher. He found his master dead in bed with his brains oozing out upon the pillow.  
Pitcher went to Berkeley Saturday afternoon to visit his family. Yesterday afternoon he went to Oakland to consult with his lawyers regarding the Varney trust, in which he is a trustee.  
He returned to Livermore last night and worked at the bank very late. This morning he was to have appeared in court as a witness and produce his books and securities valued at \$130,000. Pitcher has been very nervous over the Varney case for a week. There is great mystery concerning the cause which led him to take his life.

### MRS. PITCHER HEARS OF HER HUSBAND'S DEATH

Mrs. H. H. Pitcher when seen this morning at her home on Durant avenue, Berkeley, said:  
"We had absolutely no intimation of this terrible blow. Mr. Pitcher dined at home last evening and seemed cheerful and happy; in fact, was in the best of spirits. He left for Livermore early in the evening. If my husband left any letter or word of any kind for me I have not received it yet. I have not been informed of any of the facts concerning the case, but my daughter and I will go to Livermore on the afternoon train and then I shall know all."  
Arthur W. Feidler, County Treasurer, who is a friend of the Pitcher family, received a telephone message from Assistant Cashier Matthewson this morning telling him of Mr. Pitcher's suicide. Mr. Matthewson said that the bank accounts were absolutely correct and that the deed was probably due to overwork and the severe nervous strain.  
A stranger was the first one to give Mrs. Pitcher the news of her husband's death. Subsequently Mr. Feidler told the widow of the suicide.

### A. A. MOORE SAYS HIS CLIENT WAS HONEST.

The only proceedings in court this morning in the Varney case was the taking of a formal adjournment until 10 o'clock tomorrow morning.  
When the case was called Attorney Wheeler asked that an adjournment be taken, in view of the accident that had happened to Mr. Pitcher.  
Attorney A. A. Moore stated that he could not go on with the case as he was at the present time without a client.  
Attorney W. S. Goodfellow said it was a question whether or not, in view of the death of Mr. Pitcher, when the case was resumed if a representative should not appear as a defendant in Mr. Pitcher's place.  
"That matter you attorneys can decide

### STORY OF THE LIFE OF THE LATE BANKER

"The entire crown of the cranium was shattered and there was a jagged hole on top of the head about an inch and a half in diameter. The force of the explosion had broken the nose and the jawbone, and there was a dislocation of the nose almost covering that appendage. Death must have been instantaneous.  
The deceased had covered his head with two blankets and two coverlets on the bed to deaden the sound. After going through the head and body the bullet dropped on the pillow, where it was found later by the morgue officials.  
Mr. Moore—I would like to make one remark as this gentleman was my client, and in an individual sense. In all the investigation I have been able to make in these transactions I never have found one single thing which was calculated to tarnish the good name or character of Mr. Pitcher, or impute to him any dishonesty. There could of course be questions of irregularity and things that men might do without a perfect knowledge of the law. I never found in him any desire or disposition to avoid any responsibility of that kind, or any disposition whatever to suppress in the slightest degree the truth of any matter that was called in question. I parted with him yesterday at 12 o'clock. He was then in the same frame of mind that he had always been with me whenever we talked about these matters, entirely serene, apparently thoroughly confident in his own integrity, and so far as I could see, happy."  
Mr. Goodfellow—I may add to what has been said by Mr. Moore that in my experience with Mr. Pitcher I have formed the same opinion. He told me in his own words that this whole matter was as straight as a string, with the exception of these irregularities in which he took part, not knowing that it was against the law. I may say that in giving his testimony here and in interviewing him before putting him upon the stand he has shown the utmost good faith and a desire to tell the truth scrupulously and honestly whether it was for him or whether it was against him.  
Mr. Moore—I have known him since 1885 and I regarded him in all those days as an honest man, and I respect his memory as an honest man.  
The Court—The Court will stand adjourned till tomorrow morning at 10 o'clock.

### THE LAST CONVERSATION OF THE BANKER

LIVERMORE, April 9.—Banker Pitcher's last conversation with a friend late last night was as follows:  
"Yes, we have been having a run on the bank, but I do not think it will amount to anything.  
"I have enough money on hand to pay every depositor dollar for dollar, and I have no fear on that score."  
"Yes, they have been going after me in court, but it is all right. I will come out all right in the end. I have no fear of the result."

### DEPOSITORS CALLED AT BANK TODAY.

Special to The Tribune.  
LIVERMORE, April 9.—There was a

slight run on the bank today, but all demands of depositors were promptly met.  
This afternoon the attorney from Oakland, the directors of the bank and Attorney C. W. Longan, who is attorney for the bank, held a meeting and began their investigation of the affairs of the bank.  
They will give out an authorized statement of the condition of the bank later in the day.  
There is great excitement in Livermore over the suicide.  
This afternoon A. A. Moore, attorney for Pitcher, declared that the bank is all right.

### STORY OF THE LIFE OF THE LATE BANKER

Henry Hulsdale Pitcher was a Native Son, having been born in Sacramento county nearly fifty years ago. His family lived there during the early years of his life and Henry went into business, meeting with good success. About eight years ago he decided to invest much of his means in Murray Township. He was much impressed with the rich possibilities of Livermore valley and no sooner did he settle there than he commenced to work for the betterment and development of the township. He encouraged the building of a large creamery, improved the ware-house business, and did everything possible to enable the farmers to pull through what was known the country over as a dull period.

Mr. Pitcher was chosen as cashier and manager of the Bank of Livermore of which he was also a director. His management of affairs was very satisfactory and the institution prospered and it also became very popular. Mr. Pitcher later became interested in the Farmers' and Merchants' Savings Bank of this city and was on the board of directors at the time of his death. In all his commercial and financial transactions he enjoyed the entire confidence of all with whom he did business.  
In the public affairs of Livermore Mr. Pitcher took a very active, though unostentatious interest. He was very earnest in his desire to maintain a high standard in the public schools of Livermore and was elected a school trustee. His administration was very popular and he was re-elected about a year ago. Mr. Pitcher also took an active interest in the Livermore Free Public Library and was a generous contributor to its shelves.  
Mr. Pitcher was a prominent Mason, a Knight Templar and a member of the Union League Club.  
"Mr. Pitcher was, as far as I know, a very conservative, upright man," said Thomas Feidler, a fellow director of Mr. Pitcher in the Farmers' and Merchants' Bank. "I have been acquainted with him for some years and saw that he was a very capable man of business and not at all given to talking of his affairs. He was almost reticent and was chosen a director of our bank because we have considerably business in that part of the country and considered him to be just the man to handle it for us. When I have visited him in his own town I found that he stood very high in that community, both in public and in private life."

In his family life he was a very devoted husband and father. He has two beautiful young daughters and an estimable wife, of whom he thought the world.

because his stomach had gone back on him during the night. He said "it was for that reason that he wanted to take care of himself. Of course there is an ending for him now in the Varney case."

### LAWYERS GIVE THEIR VIEWS ON PITCHER'S DEATH

The announcement of the suicide of H. H. Pitcher was the all-absorbing topic of conversation in the Hall of Records and Court House this morning. It was discussed by clerks, judges and attorneys, and in a special manner by the leading members of the profession who are engaged as counsel on one side or the other of the Varney suit in which the deceased was a defendant trustee.

The news of the tragic ending of Pitcher did not reach all the attorneys in the case until after they had assembled in the court room for the purpose of going on with the Varney trial for the day.  
The news created a shock. Some of the lawyers were struck speechless by the announcement, and when they had recovered from their astonishment declared that they were incapable of expressing themselves upon the subject.  
A. A. MOORE.

A. A. Moore, the well known attorney, who represented Mr. Pitcher in the Varney case, was spoken to by a reporter on the subject. He seemed greatly cast down by the unfortunate ending of his client, all the more because he had seen him only yesterday and spent several hours in his company.  
"If you desire to quote me," said Mr. Moore, "you may say that I am surprised and shocked by the news of Mr. Pitcher's death. I have not learned the particulars, but I am told that he committed suicide. I am all the more surprised at this act because I can find no justification for it. There was no reason why he should suicide, because I believe him to have been an honest man. There was no reason why he should have committed suicide because of anything that was charged against him in the Varney case. While in the strict construction of the law it is easy to find fault with the performance of the duty of a trustee, at the same time there was nothing that had been alleged against him that could not have been disproved. Mr. Pitcher was an honest man, and I had known him as such for about twelve years. When I saw him yesterday it was about 12 o'clock. I was with him until about 5 o'clock in the evening. Mr. George W. Reed and Mr. Taylor, another trustee, were also present. We talked over the Varney case and went over Mr. Pitcher's books. The books were in perfect condition and as straight as a string. There could not have been a more perfect set of books in the world. Why, the facts they allege against the trustees are taken from the books. Those books show that there was no attempt at concealment. When Mr. Pitcher left me yesterday he was in good humor, jovial and in excellent spirits. He gave no evidence of mental disturbance. He was careful of himself, too. He was offered a cigar and said he would take one if a mild one could be secured. He finally fished around and found one himself that suited him. He said he had not been feeling well for some time. When he fell to sleep in court last Wednesday it was

George W. Reed, who is also an attorney in the Varney case, exclaimed: "I am dumfounded by the news of Mr. Pitcher's death. I cannot express myself on the subject. It was the last thing I expected. I saw Mr. Pitcher yesterday. I spent the afternoon with him. There was no one present at the time who seemed to be in better spirits than he was in. I am shocked by the news."

W. S. GOODFELLOW.  
Attorney W. S. Goodfellow, who represents one of the defendants in the Varney case, was informed of Mr. Pitcher's death only after he had entered the courtroom for the conduct of the case. Speaking on the subject, he said: "I have but just heard the news of Mr. Pitcher's death. I regret it exceedingly, because he had no reason to die. I am inexpressibly surprised, because I should not have anticipated such an ending of his life."

ATTORNEY WHEELER.  
Attorney Wheeler, who represents the complainants in the Varney case and who has been endeavoring to show improper conduct on the part of the trustees of the Varney estate, said: "The news of Mr. Pitcher's death is sad and to be regretted. As to the effect it will have upon the Varney case I cannot at this time speak."

ATTORNEY TREAT.  
Attorney Treat, who is associated with Mr. Wheeler in the case, said: "It is a solemn thing to consider, the death of a person under the circumstances, and I do not wish to speak on it."

### PITCHER WAS ORDERED TO PRODUCE BOOKS

When court was about to adjourn Friday afternoon the attorneys for the plaintiffs in the Varney case asked Mr. Pitcher to produce in court today the accounts of the Bank of Livermore, as they wished to find what securities had been given for outstanding loans amounting to about \$130,000. They also wished to find out other facts concerning the Bank.  
The proceedings were as follows:  
Mr. Treat—Well, Mr. Pitcher, we would like to have you bring on Monday all of the books that you have which would give an alphabetical list, if possible, or index to the various notes or bills receivable.  
The witness—We make out the list; we check off every 90 or 90 days.  
Mr. Treat—We would also like as complete a list as you have of all the trial balances and balance sheets from the organization of the bank.  
Mr. Wheeler—Copies of them, you mean.  
Mr. Treat—The copies of them or the originals.  
Mr. Wheeler—Or, if you have the original trial balance, bring that.  
The witness—Yes.  
Mr. Wheeler—We would like also to be in a position to show through you, Mr. Pitcher, the condition of the bank at the present time; its outstanding notes and show just what the security is, and was

are going to ask you questions concerning the value of various securities, and will also ask you questions concerning the personal loans and unsecured assets of the bank.  
The witness—Yes, sir, I will be prepared to answer all those questions.  
The Court—The case is continued to next Monday morning at 10 o'clock.


### LAWYERS GO TO LIVERMORE ON EARLY TRAIN

After court adjourned this morning the attorneys in the Varney case decided to go to Livermore to see about putting some one in charge of the affairs of the bank. It was suggested that an expert books keeper be put in the bank to represent Trustee John Taylor.  
A. A. Moore stated that he was willing to leave the matter to the other attorneys in the case as he was not a book-keeper himself.  
Attorney W. S. Goodfellow went to Livermore in the interest of Mr. Taylor.  
Attorney A. J. Treat went out on behalf of the plaintiffs. Attorney George W. Reed represents Thomas H. B. Varney.  
T. H. B. Varney and Henry Varney also went up.  
The party took the 11:30 train from this city to Livermore.  
County Treasurer A. W. Feidler was selected as the one to break the sad news to the bereaved family which resides at 2828 Durant avenue, Berkeley. The family have been living in Berkeley so that the daughter could attend school there.

### BANKER'S LAST DAY ON THE WITNESS STAND

H. H. Pitcher was put through a hard course of grilling by Attorneys Treat and Bishop Friday afternoon. The most minute details of the manner in which the trustees had handled the funds of the estate were gone into and Pitcher was expected to present this morning with all the books of the Bank of Livermore bearing on the present case.  
During the day Pitcher was careful to make explanations of every item and he referred, after every question, to the hundreds of books, both of the Bank of Livermore and of the Varney estate.

(Continued on Page 2.)



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903 Broadway, Oakland.

### STORY OF THE GARDENER WHO FOUND PITCHER

Special to The Tribune.  
LIVERMORE, April 9.—The story told by Hans Sorensen, the gardener who found the body, is as follows:  
"I slept in the house last night, retiring at 9 o'clock, but I did not know that Mr. Pitcher was there. I heard no noise during the night, and the first intimation I had that there was anything wrong was when I went into Mr. Pitcher's room this morning.  
"When I arose this morning I went to the bank, where I act as a sort of janitor, and after doing my work there I returned to the house on L street. Mr. Pitcher was occupying a room on the first floor on the east side of the house just back of the middle parlor. This room contains one window and two doors. I went to one of these doors and knocked, but as there was no answer I went to the rear door and knocked. Then I returned to the first door which I supposed to be locked, and when no answer came to my second knocking I tried the knob. To my surprise the door opened and I saw that some one, whom I thought to be Pitcher, was in the double bed in the room. I went to the bed and shook him, calling him by name, but as he did not answer I supposed that he was ill. I then left hurriedly and summoned Dr. W. S. Taylor, who lives a block away. When Dr. Taylor arrived he threw back the covers which had concealed the entire body and head, and found that Mr. Pitcher was dead. Dr. Taylor then reported the matter to the branch morgue in Livermore."

### GHASTLY WOUND MADE BY BULL- DOG REVOLVER.

Special to The Tribune.  
LIVERMORE, April 9.—The wound was inflicted by a silver-plated, 4-caliber revolver of the bulldog variety. The unfortunate man had thrust the muzzle of the weapon into his mouth and had pulled the trigger, the bullet making its exit at the top of the head, a little to the left of the center and toward the back.



# BANKER PITCHER TAKES HIS LIFE

more and the Varney trust.

In the suit Pitcher was a co-defendant with John Taylor and Thomas H. B. Varney, the other trustees of the estate. The heirs claimed that \$400,000 which was not needed to pay the annuities of the late Thomas Varney were tied up by the trust, and they not only asked that this amount be distributed, but that the trustees be compelled to pay them a fair rate of interest on the amount from the date of Varney's death in 1890.

## PITCHER'S NOTE.

Attorney Treat was particularly about the one hundred shares of stock of the Bank of Livermore which Pitcher bought immediately after the death of Varney. Pitcher claimed that when the bank was incorporated Varney had told him to place one hundred shares of stock in this (Pitcher's) name, at the same time making such a remark as, "They will be yours some day," or words to that effect. PITCHER CLAIMED THAT, AFTER VARNEY'S DEATH, HE HAD A MORAL AND LEGAL RIGHT TO THE STOCK. When asked for a reason why he had such a moral and legal right, he said that he had signed the ARTICLES OF INCORPORATION and Varney had told him that the stock would be his some day. He did not know whether he was expected to pay for the stock or whether Varney intended to give it to him.

Pitcher was also questioned closely in regard to \$5,000 which he had borrowed and had given this note which had been secured by the bank stock. Concerning several matters the banker's memory failed him, and Attorney Treat and Wheeler asked that he produce in court Monday morning all the books bearing on the case.

## PITCHER WAS NERVOUS.

Pitcher seemed to be rather nervous toward the close of the session Saturday, and court was adjourned a quarter of an hour earlier by Judge Coffey, who is trying the case, rather than the hour which was asked for by the defense. When he was asked to produce the various other books in court, however, he answered promptly: "All right, sir; I will bring them all with pleasure."

The books of the bank showed that Pitcher had borrowed \$5,000 each year, but he explained that these items were simply renewals of the original note. When he was asked each time if he had borrowed \$5,000, he replied in the affirmative, but corrected himself when questioned by Attorney Moore. It was with the expectancy of throwing more light on these transactions that he was requested to produce the other books.

## STORY TOLD BY PITCHER ON WITNESS STAND

THE TRIBUNE last Saturday continued the following examination of Banker Pitcher while he was on the witness stand:

The examination of H. H. Pitcher in the Varney case was continued yesterday afternoon after THE TRIBUNE went to press. The frequent references made by the witness to the numerous books of the Bank of Livermore, which are in evidence, caused A. A. Moore to suggest that the witness make his explanations after every answer. Wheeler objected, claiming that the witness, if he had anything to explain, might refer to the books, but that in the main he should answer the question and then make all these general explanations afterward. He thought that would expedite matters.

"If they ask him if he secured a certain sum of money," said Moore, "at a certain time, he should refer to his books and make his explanations there and then."

It was finally agreed to leave the matter to the witness.

Then Attorney Treat commenced asking Pitcher about a \$5,000 note which he negotiated with the Bank of Livermore.

"Did you borrow \$5,000 on July 12, 1892?" asked Treat.

"Yes," was the answer.

On March 31, 1894, did you borrow \$5,000?"

"Yes; that was a renewal—we renewed that note always in March."

Pitcher testified further that he had renewed the note on March 28, 1896, March

27, 1897, March 5, 1898, and March 25, 1899.

He said that the interest which the note bore was about 7 per cent. He figured the difference in the amount of the note and the balance in his favor at the bank. He said he had all the figures, and at Attorney Wheeler's request promised to produce them next Monday morning.

With reference to the various dates on which the notes had been renewed, Treat asked each time if he had borrowed the money, and to this both Moore and Goodfellow objected, claiming that a renewal of a note was not a loan. In answer to questions by Treat, Pitcher stated that he had given as security for the note 100 shares of the capital stock of the Bank of Livermore. There was never a time when the note was not secured.

"The Bank Commissioners have gone through this matter every year and have found it perfectly proper," said he.

Wheeler objected to the last remark in answer to have it stricken from the record. Moore objected, but Wheeler's motion prevailed.

"What stock was given in security?" asked Treat.

"Certificate 16, of 90 shares; certificate 20, of 10 shares, all in the name of H. H. Pitcher," was the answer.

"When," said Treat, "when you wanted to borrow money you made out a note, withdrew the money, and any security you offered was placed in a box, which was in your custody?"

Moore objected to the question on the ground that it was compound, and Treat withdrew it, substituting the following:

"When you desired to borrow money, what did you do?"

Wheeler objected, and Treat reframed the question:

"At the various times when you have drawn money, state to the court the circumstances under which the negotiations were conducted."

"This time Goodfellow objected on the ground that a specific time should be stated, and after some further parley Treat asked:

"At the time these notes were renewed, did you consult with your co-trustees?"

Goodfellow again objected, and Treat asked:

"When you made the original loan of \$5,000 did you have the consent of the co-trustees?"

"Yes," answered Pitcher, after Goodfellow's objection had been overruled.

"What was said between you?" asked Treat.

"I don't remember the exact words," answered Pitcher. "They simply consented to the proposition."

"Id-o-to, shrd emty vbk emty shrd did they know what you were going to do with the money?"

"Yes."

"When you received the note the last time, did you have the consent of the directors of the bank?"

"Yes, sir; I did."

"Under the circumstances did you get this consent?"

"Well, Varney and I talked the matter over."

"Did you talk it over with the other directors?"

"No, sir; I think not."

"Was the matter brought up at a meeting of the directors?"

"No, I don't think it was."

"Has T. H. B. Varney made loans with the Bank of Livermore?"

"He has."

"At what time the loan of \$5,000 was negotiated, state what was said by you and the co-trustees as to the purchase of 100 shares of stock."

"I don't remember at this date date."

"When you gave the \$5,000 note, what was said by you and the co-executors of the Varney estate?"

"I don't remember."

Then Pitcher explained about how he secured the possession of the 100 shares of stock. He asked Thomas Varney how many shares he (Pitcher) should take, and Varney said 100.

"That will be your own," said Varney, and I inferred that I was to buy them, or that he would give them to me. When Varney said this stock stood in my name, and I thought I was under moral obligations to assume the liability and take the stock. I therefore gave my note for the amount. I knew Varney paid into the bank the \$100,000 capital stock, but it was paid gradually, \$3,000 at one time and other sums at other times. The business was incorporated at my suggestion, December 11, 1895. During the year 1895 the business was carried along without incorporation, all the notes and mortgages being signed in my name."

"When you subscribed for that stock," said Wheeler, "you knew, did you not, that Varney had already paid in the \$100,000?"

"Yes, sir."

"Varney owned the business, did he not, and you were an employee on his commission?"

"Yes, sir."

"What was done with your certificates?"

"Well, we checked them off, tore them out of the book and indorsed them, then I tore them out of the book and after indorsing my own, handed the others to the other members to be indorsed. I never saw them again till after Thomas Varney's death, and I don't think that anything further was ever said about them."

"What did you understand when you purchased the shares of stock?"

"I thought I was fulfilling an obligation."

"On what did you base your understanding that the stock belonged to you?"

"I felt that I had a moral and legal right to it. I had signed the original articles of incorporation, and the fact that I owned it had gone out throughout the State, and I felt that if I did not take it I would be deceiving my friends and others."

"You knew that G. W. Langan held stock in his name which belonged to T. H. B. Varney, did you not?"

"Yes; I assumed so; but I made my statement to the Bank Commissioners according to the books of our bank."

"When you gave that note," asked Treat, "you knew that a dividend was about to be declared?"

"No, that never entered my mind. We never had declared a dividend."

"Did you not know that there was a surplus?"

"Yes, I knew that."

"Was the largest dividend that the bank ever declared, declared in 1897?"

"From the records, I believe it was."

"What was that dividend?"

"About \$12,800, or something over 12 per cent."

Judge Seawell then adjourned court till Monday morning at 10 o'clock, when Pitcher will produce all the records, such as the index to bills receivable, trial balances and balance sheets. It is expected that Pitcher will be on the stand most of Monday forenoon.

It was in 1895 that Hall and Earl became interested in the case and it was because of Earl's connection with that suit that Attorney Goodfellow sought to have him disqualified from appearing in the present one. Earl, through his associates, Bishop & Wheeler and Treat, in turn, sought to show that Goodfellow was himself disqualified. The disqualification proceedings were heard by Superior Judges Ogden and Ellsworth, setting in banc, and the following excerpts from their decision will give a good idea of the status of the case:

ATTORNEYS EMPLOYED.

In January 1895, the two trustees, Messrs. Pitcher and Taylor employed said firm of Hall & Earl to commence and prosecute said action. To aid in the prosecution of this action, Mr. Goodfellow gave to Mr. Hall the transcript of the testimony taken at the hearing of said account and which transcript contained the testimony of H. H. Pitcher and Thomas H. B. Varney. He also either gave to Mr. Hall copies of certain papers on file in the matter of the estate of Thomas Varney, or referred him to the papers on file in the said estate for information concerning the same.

"Contained in the transcript, as we have before said, was the testimony of Thomas H. B. Varney, quite fully stating his reasons for repudiating his note and why he thought he was not liable thereon."

"Mr. Hall thereafter, in May, 1895, commenced the action on behalf of Messrs. Pitcher and Taylor against Thomas H. B. Varney, signing the firm name of Hall & Earl to the papers."

"In July, 1895, the firm of Hall & Earl dissolved, the action of Pitcher et al. vs. Varney, being thereafter conducted personally by Mr. Hall in the partnership name."

BISHOP & WHEELER.

"On February 1, 1896, the firm of Bishop & Wheeler was formed, and which included Mr. Earl as a member; he was never a partner of any of the members of the firm of Bishop and Wheeler prior to that time."

"In November, 1898, Mr. Hall was elected a Judge of this Court, and in January, 1897, turned this matter, with other incomplete business of the firm over to Mr. Earl. Soon thereafter Mr. Earl took the necessary steps to bring to a close this case of Pitcher and Taylor against Thomas H. B. Varney, and during the progress of the litigation had a consultation with Mr. Pitcher of about thirty minutes. There is no pretense made here that any matter, save this note and the attendant litigation over it, was discussed, or that at this or any other time either of the trustees ever consulted Mr. Earl or Mr. Treat or Messrs. Bishop & Wheeler about the management of their trust."

"Various efforts were made to bring the action on the note to trial, and it was finally in May, 1898, set for trial, but thereupon it was again, of necessity, postponed by reason of a demand for a jury being made by the defendant Thomas H. B. Varney. This necessitated the case being transferred to a department of the Superior Court handling jury cases. Some time after this Mr. Earl's connection with the case ceased by the substitution of other counsel, Mr. Treat, one of the counsel in the matter now before the Court, was admitted to practice in April, 1898, and shortly thereafter was approached by Harry Varney, a friend of long standing and a son of one of the plaintiffs herein, with reference to this estate. The son sought advice with reference to his father's rights under the will of Thomas

Varney, deceased.

THE ESTATE EXAMINED.

"Mr. Treat thereafter examined into said estate, obtaining what information he could from the papers in said estate, and interviewed Judge Nye in regard thereto, and as well in regard to the testimony taken and proceedings had upon the settlement of the account above mentioned."

"No information was conveyed to him by either Hall or Earl, but on the contrary it was obtained fairly and in the proper conduct of an attorney's business. Thereafter Treat consulted with Wheeler with reference to the law points involved in the present action, and thereafter the firm of Bishop & Wheeler, with Mr. Treat, were retained to prosecute the present action. Mr. Earl had never consulted with Bishop & Wheeler in reference to the suit of Pitcher vs. Varney, and the firm had no interest in his fee in that case."

"Altogether the facts so disclosed show the utmost good faith on the part of Mr. Treat, Bishop & Wheeler and Mr. Earl in the transaction of the various businesses committed to their charge."

"It is contended, however, that the employment of Hall & Earl by Pitcher and Taylor in their suit against Varney and the fact that he received from Mr. Goodfellow the transcript of testimony, together with copies of papers on file in the Clerk's office, in the matter of the estate of Varney disqualifies him from participating in the present action, and through him disqualifies his partners, Bishop & Wheeler, and Mr. Treat, who is employed by said firm."

TO DISQUALIFY.

"On the part of plaintiffs, and in support of their motion it is claimed that Mr. Goodfellow is disqualified from defending this action by reason, first, that he had received a retainer from Mr. Thomas H. B. Varney and his two co-trustees; that plaintiffs will claim in this action, as a part of the relief which they seek, that Mr. Thomas H. B. Varney be compelled to pay into court this \$23,000; that in this contention it will be the duty of Pitcher and Taylor to show, and thus the interests of Varney, trustee on the one side, will be antagonistic to the position of Pitcher and Taylor, trustees on the other. Being in antagonism they cannot be represented by the same attorney. Secondly, that Mr. Goodfellow having for many years represented the trust estate in an advisory capacity, having been paid out of the trust fund for his services, he now owes a duty not only to the trustees, but to the beneficiaries, and cannot take a position of hostility to the latter."

NONE DISQUALIFIED.

"It is apparent that Mr. Earl is not disqualified to appear for the plaintiffs here, and for that reason Mr. Treat and Bishop & Wheeler are qualified to appear herein."

"It is equally clear that Mr. Goodfellow is qualified to appear for all the defendant trustees. Should the question be presented to the Court hereafter as to the liability of Thomas H. B. Varney on the \$23,000 note it will then be time enough for him to determine as to his course. Having never represented Pitcher and Taylor in the proceeding against Varney, he is untrammelled and there would be nothing inconsistent in his representing Varney and his co-trustees at the same time."

"The fact that Mr. Goodfellow has been paid his fees out of the trust estate does not affect his position here. He at all times acted for the trustees and as their counsel. In all disputes between the trustees and the beneficiaries he was the attorney for the beneficiaries' adversaries and can at all times represent the trustees when their acts are attacked."

"We are of the opinion that neither motion has merit, and it is the order of the Court that both motions should be, and the same are hereby denied."

HISTORY OF THE VARNEY SUITS IN THE COURTS

Thomas Varney died in 1890 at Livermore, leaving an estate valued at \$900,000, most of which was bequeathed to his eight children, four sons and four daughters. In his last will and testament he provided for a large number of annuities, and to insure the payment of these a trust was created, with H. H. Pitcher, the Livermore banker, Thomas H. B. Varney, a nephew of the deceased, and John Taylor as trustees.

ADMITTED TO PROBATE.

The will was admitted to probate and such proceedings were had that the property remaining in the estate—after expenses of administration, legacies, claims, etc., had been paid—was distributed to said trustees upon the trusts declared in said will. During the administration of the estate of Thomas Varney, deceased, the Bankers Company presented a claim against the estate for \$23,000, which claim arose as follows:

Thomas Varney during his lifetime, in writing, guaranteed said Bankers Company to pay all indebtedness due it from Thomas H. B. Varney for money loaned, up to the amount of \$23,000. The executor—Thomas H. B. Varney being one—paid this claim, and took from Thomas H. B. Varney a promissory note for this amount, and thereafter they treated said note as an asset of the estate, mentioned in their final account, and it passed to the trustees under the decree of distribution in the estate.

Thereafter said trustees during their administration of the trust, made their report to the probate department of the

Superior Court; Mr. Goodfellow acting as their attorney. At the time of the settlement of their second account it appeared that the note in question had not been paid, and that Thomas H. B. Varney contended that he was not liable thereon. At the hearing of this account, Judge Stephen G. Nye was present on behalf of two of the plaintiffs objecting to the account, and testimony was taken. This testimony was taken down in shorthand by the official reporter of the court, and thereafter transcribed into longhand, given to Mr. Goodfellow, and paid for out of the trust estate. Upon the settlement of the account an order of court was made directing H. H. Pitcher and John Taylor to commence an action against their co-trustees, Thomas H. B. Varney, to recover on this note.

PITCHER BRINGS SUIT.

In January, 1895, Pitcher and Taylor commenced suit to recover the amount from T. H. B. Varney, and the suit is still pending in the Superior Court of San Francisco.

The present suit in the Alameda county court is brought by the heirs, Frank Varney, Thos. Varney, John W. Varney, Chas. Varney, George W. Varney, Fred H. Varney, C. V. Varney, Kate D. Green, Geo. V. Pope, Hannah Edson, Emily A. V. Brownell, Jas. Gilson Dean, Chas. H. Stanton, Wm. J. Stanton Jr. and Susie Wells, against the trustees for a distribution of the estate. The heirs claim that from \$60,000 to \$100,000 is all that would be necessary to pay the annuities, which now amount to about \$5,500 a year. This they claim leaves \$450,000 lying idle in the hands of the trustees, and besides asking that this amount be distributed they demand that they be allowed a reasonable amount of interest on that amount for the time that the trustees have needlessly held it.

It appears from the evidence that has already been taken in the case that none of the nephews of deceased were mentioned in the will because Thomas Varney had already provided for them.

SCIENTISTS ARE AT WORK UPON THE NEW CHURCH

Work was commenced this afternoon in breaking ground on the site of the new church, which is to be erected on the corner of Eleventh and Franklin streets, upon which the Christian Scientists will erect a large stone church.

It is the intention to erect a modern edifice of stone and pressed brick at a cost of about \$35,000, which will be a fine addition to the architectural beauties of the city.

HE TRIED TO MURDER

Last night, Gus Dome, residing at 1272 East Eleventh street, according to the story of his wife, Lena, returned to his home in a drunken condition and made a desperate attempt to murder his wife and little boy aged four by shooting at them with a double barreled shotgun.

This morning the wife called at the City Hall and swore out a warrant charging her husband with assault with a deadly weapon with intent to kill. He was arrested by Detectives Shorey and Ryan. When the officer entered the house Dome was found in a half-frenzied state, his feet clad in slippers, his hands in his pockets, and his face as white as paper. He was loaded and ready for action. No one was injured when he fired the gun.

OAKLAND RACES

TANFORDAN TRACK, April 9.—The races at Tanfordan today resulted as follows:

FIRST RACE.

Home first at 10 to 1.

Toad second at 2 to 1.

Interpido third at 10 to 1.

SECOND RACE.

Heigh Ho first at 5 to 1.

Montalido second at 10 to 1.

Storm King third at 6 to 1.

FUNSTON MAY BE COURT-MARTIALED.

Associated Press Dispatches by Wire.

MANILA, April 9, 9:20 A. M.—An interesting topic of conversation in army circles is the investigation of Brigadier General Frederic Funston's execution of two Filipinos and the possibility of a court-martial resulting therefrom. The story is that the Filipinos captured these Macabebe scouts who were crossing the country near San Isidro and were preparing to kill them when one of the Macabebes escaped and found General Funston with a scouting party near this man guided the Americans to the rescue of his companions, and when the troops approached the Filipinos fled, leaving the Macabebes. Several of the Filipinos were shot, and General Funston captured two of them, took them to the large square and hanged them without trial as a warning to the Filipinos.

CHILD AND HER RESCUER ARE BADLY BURNED

While playing with matches at her parents' home at Pleasant Valley this morning, the clothing of the 6-year-old child of Mr. and Mrs. John Hendrickson was ignited, and before assistance could be rendered she was seriously, perhaps fatally, burned.

Mrs. Thomas Robbles, who saw the child's plight, risked her life to save the about the arm and face.

Both were taken to Fubolia Hospital for treatment. Mrs. Robbles will recover, but the child's recovery is uncertain.

To Cure a Cold in One Day.

Take Loza.

Loza is a sure cure for colds, coughs, croup, whooping cough, and all the ailments of the throat and lungs. It is a sure cure for colds in one day.

THE WHITE VAN

Of E. C. Lyon, the furniture king, is the best in Oakland in which to move your furniture and piano. Elegant storage warehouses. Telephone 1,944 red.

C. W. Kinsey Dealer in New Style Household Furniture, Carpets, Ranges, Etc.

Modern furniture bought, exchanged or sold on installment payments. Cash discount 10 per cent on installment prices. 42-44 Thirteenth street.

Too Late for Classification

GIRL OR WOMAN for light housework; capable cooking. 515 Eighteenth street, Oakland.

GOLDEN HAIR RABBITRY of Los Angeles, Cal., has the best rabbit stock. See them at 32 Twelfth st. Mrs. W. Fiddington, prop.

MEETING OF THE SUPERVISORS

Routine Matter Handled at Meeting Today.

At the meeting of the Board of Supervisors this morning a step to economize in the administration of the county government was taken by the introduction of the following resolution which was unanimously adopted:

"Resolved, That from and after May 1, 1900, the positions of copyists now held by the following named persons be declared vacant, viz: O. J. Mullen, Miss I. Mitchell, William Fallon, Henry Dophman, Robert Beach, M. L. Casika, and Mrs. Young."

INDIGENTS ASSISTED.

Applications for direct relief of as follows: Mrs. Maria Heimers, a widow with two children residing at 512 Twentieth street. Referred to Supervisor Mitchell. Christopher Cox for relief—admission to the County Infirmary. Denied. H. Rutherford for admittance to the Infirmary. Referred to the Hospital Committee.

CREDITS ALLOWED.

Credits for good behavior were granted to prisoners in the County Jail as follows: J. S. De Rosa, 5 days; Frank Sebeca, 30 days; F. F. Mills, 60 days.

SALOON LICENSES GRANTED.

Resolutions were adopted granting saloon licenses as follows: To C. Christensen to conduct a saloon at a hotel at Warm Springs. To Albert Silva to open a saloon at Decoto.

The bonds of Mrs. B. Hoermann who has applied for a license to conduct a saloon at the northeast corner of High and Hayward streets in Brooklyn Township were approved.

The requisition of Sheriff Rogers for a copy of Hustell's directory for Oakland for 1900, was referred to the Building Committee.

MADE COUNTY ROADS.

The application of A. R. Waters and others to have H. I. Street extended from Front to Third streets, at Niles, accepted as county roads was received and the streets were accepted.

REPORTS OF ROAD FOREMAN.

The following reports from road foremen were received and placed on file: Joseph Sunderer, foreman of the Mission road district in Washington township, showing \$23.98 spent during the month of March.

Chris P. Miller, foreman of the Washington district, showing the expenditure of \$85 during March.

The report of J. Kruse, foreman of the Pleasanton road district in Murray township, showing the expenditure of \$412.48 during the quarter ending April 1st.

R. W. Peck, foreman of the Vallejo road district in Murray township, showing \$123.58 expended between March 24th and April 6th.

J. B. Bernard, foreman of the Niles road district in Washington township, showing the expenditure of \$31.25 from January 1st to February 28th.

STILL WANT BONDS.

When the matter of the Mission School District bonds was brought up, Supervisor Talcott stated that since the decision of the District Attorney declaring the bonds illegal, the residents did not wish to make any further attempt to dispose of the bonds. He therefore moved that the application be denied. The motion was seconded by Mr. Wells and unanimously adopted.

District Attorney Allen stated that the residents of the district should elect a Supervisor. Talcott moved that Hathaway avenue between the Mt. Eden road and San Lorenzo be closed for fifteen days to allow the contractor to fix the street. Adopted.

The application of the Town Trustees of Hayward for permission to connect the city water with Sulphur Creek for flushing purposes was granted. The clerk was instructed to notify the Realty Syndicate the receipt of the \$250 paid by the company for work done on their property in the Piedmont district.

TO CLOSE MAGNOLIA AVENUE.

The report of George L. Neubaumer, Isaac Requa, and J. B. Richardson, viewers of the Magnolia avenue abandonment petitioned for by Wm. H. McKinnon and others, was received. It recommended that the petition be granted.

LILLIENTHAL ROAD.

When the matter of the Lillienthal road opening was taken up, a protest sign by 84 residents of the district was read. The protest stated that there was already two roads leading from Dublin to Livermore and that the opening of a new road was unnecessary.

After the reading of the protest, Supervisor Church moved that the petition for the opening be denied, as it could not be found a recess to 2 o'clock this afternoon was taken.

THE MARCEAU CASE.

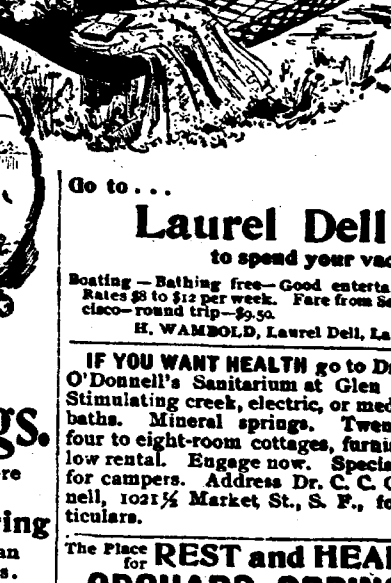
Associated Press Dispatches by Wire.

The Tribune's Special Leased Wire.

LOS ANGELES, April 9.—The habeas corpus proceedings here in the Marceau case were dismissed. Mrs. Marceau is to be allowed to see the child at intervals until the courts of San Francisco pass upon the case.



# RESORTS



**Free.** In the foothills of the Sierra Nevada, a  
and fax, on C. P. R. Plain, quiet retreat, fine  
ery, water, mountain air, fruit, and all t

**PASO ROBLES HOT SULPHUR SPRING**  
 OTTO E. NEVER, Proprietor.

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 es, \$3  
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Most noted Mineral Springs  
 and Sanitariums in America. Open all  
 round. Marvellous cures for  
 Liver, Kidney and Stomach disorders.  
 Mud and sand baths. Elegant hotel and  
 cabins. Rates, including board, lodg-  
 ing and baths and advice of resident Physician,  
 to \$25.00 per week. Send for booklet,  
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**FOR SALE**

**FOR SALE**

**AND  
MUST BE  
SOLD**

**A CLOSET**

Oval Glass Siden

**PRICE DURING THIS SALE \$16.00**

**TABLES** Regular 16 and  
\$8 - They go at **\$2.50**

**AT**

**ELLHAAS'**

**ND FRANKLIN STS., OAKLAND**

Lv. San Francisco. . 5:00 P. M. Tues. &  
Lr. Fresno. . 10:00 P. M. "

Ar. Los Angeles .....	8:03 P. M.
Ar. Los Angeles .....	7:45 A. M. Wed.
Lv. Los Angeles .....	8:00 A. M. "
Ar. El Paso .....	7:12 A. M. Thur
Lv. El Paso .....	9:35 A. M. "
Ar. New Orleans .....	7:45 P. M. Fri.
Ar. Washington .....	6:42 A. M. Sun
Ar. New York .....	12:45 P. M. "

**Y, DECEMBER 15th**

The Sixth Season, offers its superior standard of excellence is abundantly attested. The Western Pacific management gives the assurance, and improved where possible.

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**MAVIE FERRY**  
**WEBSTER STREET WHARF**  
 PHONE MAIN 199. —Freight handled by  
 experienced hands, at LOW RATES.  
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 perience in a quarry, the best from which  
 the hardest, toughest and most du-  
 rable will execute municipal and private  
 work and will continue to fill orders for the  
 same. —Moones 321-322, Central Bank Bldg.

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**Merchant Tailor**  
 1000 MARKET ST.

ble staple goods and latest novelties.  
G GOODS NOW IN

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**BEST TIME EVER MADE**

**Denver - 2 days**

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to Chicago without changing  
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 OR  
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JOHN BOHAN, Proprietor.  
200 Twelfth Street, bet. Marston

**Horses orientally and artistically shod.  
Specialty, shoeing Race Horses.  
TELEPHONE, RED 44.**







**GOV. GAGE IS  
COMMENDED.**

## U. S. Senator Wellington Gives His Views on the Extra Session.

**Cholesterol** *Cholesterol* is a steroid that is a component of all animal cell membranes. It is also a precursor for the synthesis of steroid hormones, bile acids, and vitamin D. It is found in animal products, particularly in meat and dairy products. It is also found in some plant products, such as soybeans and wheat germ.



**WILL HOLD A  
MYSTIC BANQUET**

---

**Members of Gethse-  
mane Chapter Will  
Soon Meet.**

Gethsemane Chapter No. 2 Knights  
Rose. A grand will hold the "Mystic Ban-  
quet" at the lodge-room in this city next  
Thursday evening. The following circular  
has been issued:  
Valley of Oakland, California, March  
30, 1907.  
Brethren of the Rose Croix—"The cele-  
bration of the Mystic Banquet occurs on  
Maiden's Day, April 13th. This feast  
is obligatory upon every Knight Rose  
Croix.  
If you if a Knight Rose Croix be alone  
in a place he must, in spirit at least,  
feast with his brethren."  
The Wise Master, Wardens and Officers  
of Gethsemane Chapter No. 2 of the Val-  
ley of Oakland earnestly desire a large  
attendance of Scottish Rite Masons of the  
Rose Croix on this occasion.  
The Knights will be regalaing the  
Lights will be at 8 o'clock sharp.  
We courteously and fraternally ask  
your presence and assistance.  
FRANCIS H. E. O'DONNELL  
32° K. C. C. H.

Wise Master.

**CEREMONIES.**

(For Knights of the Rose Croix.)

Maudy Thursday evening, April 12, 1890,  
at 8 o'clock, "The Extinguishing of the  
Lights." This beautiful ceremonial will  
be conducted in full form with all access-  
ories.

Easter Sunday morning, April 15, 1890,  
at 10 o'clock, "The Relighting of the  
Lights."

Monday evening, April 15, at 8 o'clock,  
the annual election of the officers of Oak-  
land Lodge of Perfection No. 2, Grand  
Rose-mane Chapter No. 2, Knights  
Crox, De Molar Council No. 2, Knights  
Kashah, and Oakland Consistory No. 3,  
S. P. B. S.

EDWARD H. MORGAN,  
32<sup>d</sup> K. C. C. H.,  
Venerable Master, Lodge of Perfection.  
FRANCIS H. E. O'DONNELL,  
32<sup>d</sup> K. C. C. H.,  
Wise Master, Rose Croix Chapter.  
ALBERT H. MERRITT,  
32<sup>d</sup> K. C. C. H.,  
Commander, Council of Kadosh.  
CHARLES L. PIERCE, 33<sup>d</sup>,  
Venerable Master of the Kadosh.  
CHARLES E. GILLET, 33<sup>d</sup>,  
Secretary and Registrar.  
TOASTS.

1. Our Country—  
"O God, our help in ages past,  
"Our hope for years to come,  
Response by Sir James B. Merritt, 33°.
2. Our Supreme Council.  
"Shall we not love thee, Mother dear,"  
Response by Sir John A. Britton, 33°.  
Active Inspection—General.
3. The Spirit of Masonry.  
"Bring forth unfettered to our hallowed  
floor,  
The Wisdom, Strength and Beauty of our  
art."  
Response by Sir John A. Britton, 33°.
4. The Grand Lodge, Chapter and Com-  
mandery.  
"All health to our brethren, of every  
degree,  
Dispersed round the globe, or by land, or  
by sea."  
Response by Sir Frank B. Ogden, 36°.

**aparilla**  
**Humors**  
**ng Medicine.**

in the heart all the time it is on the stage. Egon Strasser, the title role in *Austria of Imperial and Royal Court Ball Director*. If he is not aged his hair still willer, brushed and his eyes sparkling. His dancing is a combination of a consummate performer of contentment with all things earthly. His great grandmother was a fortune teller, and he says that his beauty has passed to her descendants.

He has pronounced the waltz far less graceful than the Viennese. He says that he has never hit a dance. "I have heard that the most graceful valseurs the world over are found in America. Speaking, though, of the waltz, I have seen it where the waltz is danced to perfection (in the perfection designed by my father) is at the Vienna Opera. The waltz is danced the three-quarter time—which is graceful in the extreme—traditional with dancing and played with such grace that I cannot describe it. It must be seen. Our beautiful waltz value as pleasant to the spectator as to the performer—is the result of the perfect and the symmetrical collaborations of dancer and player, and it cannot be duplicated elsewhere without the concurrence of these same circumstances."

5. To all Masons of all Rites in all countries.  
 "From Greenland's icy mountains,  
 To India's coral strand;  
 Responses by the Rev. Sir W. Hugh Fraser, 32°  
 "To all the Veterans in Brotherly Love, Re-  
 sponse by the Rev. Sir W. Hugh Fraser, 32°  
 "Should auld acquaintance be forgot?  
 Response by Sir E. A. Sherman, 33°  
 7. Our Departed Brethren.  
 Father, in Thy gracious keeping,  
 Layest thou our Brethren sleeping."  
 Response by Sir Charles L. Pierce, 33°  
 And now to the memory of him who was  
 united to the Ancient Scottish Rite, and  
 ment to be builded only in the hearts and  
 memories of my brethren of the Ancient  
 and Accepted Scottish Rite, and my name  
 to be remembered by them in every  
 country, no matter what language men  
 speak, and that the Ancient and Accepted  
 Scottish Rite shall shine, and its Oracles of Truth and Wis-  
 dom shall be heard, I listened to."  
 "He has lived;  
 The fruits of his labors live after him."

32. Died July 11, 1839, San Francisco, Cal.  
EDWARD WATERMAN ROBERTS.  
33. Died October 23, 1839, Oakland, Cal.  
JAMES EDWARDS ELLIOTT.  
34. Died November 4, 1839, Marysville, Cal.  
GEORGE PATTERSON, 33\*. Died Dec-  
ember 6, 1839, Oakland, Cal.  
35. Died November 1, 1839, Worcester, 14\*.  
THOMAS EDWARDS WINGENT, 14\*.  
36. Died January 14, 1900, Massachusetts.  
THOMAS COATS, 14\*. Died March 7,  
1900, Lowell, Mass.  
37. Died March 1, 1839, Lowell, Mass.  
CHARLES HENRY TWOMBLY, 32\* K.  
C. C. H. Died March 5, 1899, Oakland, Cal.

"They are not dead, they have but passed  
Beyond the mists that find us here,  
To a new and larger life  
Of that serener sphere."

"The good deeds left behind them  
Will form a chain to bind them  
To those who linger  
And on the path of knowing  
The good they sowed is growing,  
And the harvest from the sowing  
Will increase each driling year."

### Good Dog Show Coming.

Prof. Gentry's famous dog and pony show will exhibit under canvass in this city at Eighth and Market streets Monday and Tuesday afternoons and evenings, April 9th and 10th. It is a good show, and the company has a large number of about a hundred or more equine and canine members of the company have all been educated by the master hand of Prof. Gentry. It is known to all that the company is a genuine one, and that the company this year eclipses all his former efforts, and the dogs and ponies accomplish some of the most wonderful things that have ever before been attempted acts. The show will be a grand success, and every one who will receive the best of patronage, which it thoroughly deserves. The price of admission are, children 15c, and adults 25c. Do not miss this show, as it is a rare one. The admission is payable well witnessed. Show rain or shine, tent waterproof.

## HEART DISEASE.

**Some Facts Regarding the Rapid Increase of Heart Trouble.**

Heart trouble, at least among the Americans, is certainly increasing, and public

Real organic disease is incurable; but not one case in a hundred of heart trouble is organic. The close relation between heart trouble and poor digestion is because both organs are controlled by the same great nerves, the Sympathetic and the Pneumogastric.

In another way also the heart is affected by the state of the form of poor digestion, which causes gas and fermentation from half digested food. There is a feeling of oppression and heaviness in the chest caused by pressure of the distended stom-

Poor digestion also poisons the blood, making it thin and watery, which irritates and weakens the heart.

The most sensible treatment for heart trouble is to provide good digestion, and to insure the prompt assimilation of food.

This can be done by the regular use after meals of some safe, pleasant and effective digestive preparation, like Stuart's Dyspepsia Tablets, which may be found at drug stores, and which contain valuable, harmless digestive elements in a pleasant, convenient form.

It is not that the regular, persistent use of Stuart's Dyspepsia Tablets at meal time will cure any form of stomach trouble except cancer of the stom-

Governor Gage has been highly commended in the United States Senate. The Chief Executive has been praised for calling an extra session of the Legislature and liberal quotations have been made from the message that he delivered in that session. During the debate on the ratifying of Quay, Senator Wellington of Maryland eloquently praised Governor Gage for his liberal and patriotic attitude in calling an extra session. The full account of what took place can be found in the "Congressional Record" of March 15th, but it is not probable that many Senators are interested in the unique attitude that has been accorded to Governor Gage by a United States Senator, and it is therefore that the following extracts from Senator Wellington's remarks are published below. In the course of his remarks, it has been suggested that the Govern-

of Pennsylvania should, instead of attempting to appoint a Senator, have been charged to do by the Constitution of Pennsylvania. This is undoubtedly true. I am, however, not prepared to admit that the requirement of the Constitution is violated by the action taken upon the case here. It may be contended that, as the Legislature had failed to elect a Senator, the Governor was bound. Mr. Quay, there would be little probability of a choice by the same body if re-nominated, for there would be present the same motives. I am convinced, however, that the very contrary would be true. I am, therefore, not prepared to admit that the provision of the Constitution of his State, which he had pledged himself to defend, and had, under this constitutional provision, called for the Legislature to elect a Senator, had been violated by the Legislature of Pennsylvania, having a little beyond dispute, and under which he

At this point in Senator Wellington's remarks he was interrupted by Senator Penrose and the following remarks were made:

Mr. Penrose.—Will the Senator allow me? The Presiding Officer.—Does the Senator from Maryland yield to the Senator from Pennsylvania?

Mr. Wellington.—do.

Mr. Penrose.—I make the statement that it is contrary to the policy of all parties in the controversy in Pennsylvania. The Democrats, the Independent Republicans and the regular Republicans have all agreed and so declared in the public prints that it would be impossible to elect a Senator and that the convening of the legislature would be futile.

Senator Wellington then called attention

Senator John P. Taylor of Maryland was enthusiastic in his praise of the Governor of California. Who, he said, had not attempted to do more for the colored people than precedents to appoint a Senator, Governor and Governor General. Senator Wellington said, he recognized his limited powers, and having no power to legislate, he could only speak, and not the advantage of a favored individual. He convened the Legislature. Senator Wellington also said that the Governor's message should be read and treasured.

Senator Wellington's remarks are most interesting at the present time because they stand as a warning to the Legislature by Governor Gage that the propaganda of the leading Republican newspapers trying to excite an unwarlike sentiment of the Republic is not to be tried to exclude from the columns of their newspapers information which is

Governor Gage addressed the public and was loudly applauded by the legislators who had congregated in the Assembly Chamber. But the leading newspapers of San Francisco reported to throw cold water on the Governor's plans. They pointed out that it was an important point which was discussed. The speech delivered by Governor Gage, however, was deemed worthy of extended notice in the United States Senate. The following remarks of Senator Stanford were published in the "Congressional Record" of March 15th, 1907. They will be read with interest by the citizens of Los Angeles and by politicians in the various counties of California:

tion now to a case which was identical with that of the Pennsylvania case in which the Legislature of a State failed to elect a Senator. It would have been well for the Governor of the State of Pennsylvania and his people if he had acted upon the high principle which guided the present Legislature of California. He had sent his message calling an extra session of the Legislature of that State on January 22, 1900. It will be remembered that the Legislature of California had failed to elect a successor to Senator White, whose term expired March 3, 1899, as did Senator Quay's. The Legislature endeavored to elect a successor, but failed without

having performed its constitutional function. Here the analogy ceases. The Governor of California did not accept the position of the constitution, inasmuch as a president is appointed by the people. He recognized his limited powers, and having ascertained the good of his beloved commonwealth, and not the advantage of a faction, he incurred the responsibility of his signature. The message of Governor Gage should be read and treasured by our people. I quote his words:

"The question of secession for many months of the question whether, among other things, the expense to the people which may accrue from this session should outweigh the exigencies which would result from a fully determined that the question of immediate dismemberment should be subordinated to public duty and public necessity, and that the people of California should be permitted to decide upon the course which they demand the secession of a United States."

"The duty which devolves upon you of electing a United States Senator is paramount, and to afford you an opportunity to perform this high prerogative, would alone, were there no other important question to be disposed of by the Legislature, require this extraordinary session.

"If the representatives of each State in Congress were to refuse to perform their constitutional duty, and to neglect the United States Senator, the foundation of the Federal Government by and for the people would crumble, and the American Republic would become a mischievous fantasy."

"The sisterhood of States represented in Congress, the constitutional existence of our nation, and full representation, not only a right belonging to each State, but also one of the greatest rights of the republic, are the subjects of the most patriotic and urgent appeals have come to me from many of the most eminent statesmen and jurists in America imploring California to perform the sacred duty which we owe to the Union. Our Union's seal bears the motto, 'Unity from multiplicity,' and the Stars and Stripes

"The Constitution and laws of the United States must be obeyed, as well as the Constitution and laws of each State.  
"The Federal Constitution and laws require that all States shall supply representation to the United States in Congress, and whose people of the separate States; and whose the persistent refusal of a State to perform this duty required by the Federal Constitution and laws is treason against the Union.  
"In taking my oath of office I solemnly pledged myself to support the Constitution of the United States, and I firmly believe I would be recreant to that sacred oath if I fail now to convolve this Legislature to the purpose of electing a California Senator.  
"California should have her full corps of legislators in Congress to assist in the government of the Union, and to take care of the newly acquired territory. No

can be equal if not equally supported. California, therefore, demands equal right of representation by the action of a United States Senator. It is thus performed his duty. It is his duty to follow in his footsteps and perform the task incumbent upon them, yes, splendidly. They cannot be less than their predecessors, and today has those 2 Senators performed their duty. All honor to the Governor of California.

It is true that Pennsylvania's Chief Magistrate had been guided by the same motto.

Had he done so either Mr. Quay or Mr. Tamm would be seated in this body with me.

It is true that Pennsylvania's Chief Magistrate, like me, has no voice in his State, which no one would question, or in his stead some other citizen would be seated in the Pennsylvania House of Representatives.

It is true that Pennsylvania's Chief Magistrate would enjoy the rights, as Rogers said, of a Senator of the United States.

It has been said as we have seen

**Your Face.**

The state of your face reflects the state of your health as well. Impure blood manifests itself in a pale and sallow complexion, loss of vitality and all sorts of eruptions. If you are feeling weak and run down and do not have a healthy complexion, it may be my dear friend's Blood Purifier. It cures all blood diseases, such as scurvy, skin eruptions, etc., and gives you a good complexion; knowing this, we sell every bottle with a positive guarantee. Get it from Geo. Bros.

## WILL PROBABLY SETTLE THE LAKE MERRITT SURVEY.

G. F. Allard to do the work was  
 by the Mayor on the ground that  
 work was not necessary to do  
 work, but that the Board of Public  
 works already had the necessary infor-  
 mation and that an abstract of title was  
 in the hands of the Mayor. The Mayor  
 then objected to the matter being  
 taken out of the hands of the Board of  
 Public Works. A lively scurrimage is  
 given, even though the Mayor has  
 no forces and the friends of the Mayor  
 are the Council.

EIGHT High Grade Ladies' Tailor-  
 ers, 46 1/2 Thirtieth Street, Kin-  
 dergarten Rooms 8, 9 and 10. Reference  
 to the Mayor. Telephone Brown-  
 11. N. Klein, proprietor.

**DR. U. L. JONES**  
Has removed from Seventh and Broadway to his new building, northeast corner Thirtieth and Clay streets.

**Do You Intend to Build?**

If you do, send for a neat book of plans recently issued by the Belden-Cook Real Estate and Home Building Company. Sent free on application to the office, northeast corner Thirtieth and Clay streets, St. Louis, Mo.

**DR. R. K. DUNN**

dentist, has removed from 1110 1/2 Broadway  
to the Abrahamson Bros., block, 13th  
and Washington streets, Rooms 7 and 8.

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**Do You Use Paper?**  
We sell it. E. C. Brown Paper House  
Tenth street, bet. Broadway and  
Washington.

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**See the Display**  
household goods at H. Schellhaas  
seventh st.

**LADIES** who require Garments  
perfect in fit and work, should go to  
**JONES & LAURIN, 1211 Clay St., (bet  
14th and 15th Sts.)** The only Oakland  
first-class **LADIES' TAILORS.**

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**KIEL  
CARRIAGE CO.**



Illustration of three horse-drawn carriages, likely representing the products of the Kiel Carriage Co.

A black and white illustration of a person riding a bicycle. The person is wearing a dark, long-sleeved garment and is positioned on the seat. The bicycle has a large front wheel and a smaller rear wheel, both with many spokes. The person's legs are extended downwards, and the bicycle is shown in profile, facing right.

Twelfth Street, Oakland

**UP-TO-DATE**

**Buggies, Harness**  
**and Traps.**

**PRICES AND QUALITY**  
**RIGHT.**

**NEW LOUVRE**  
**BOUFE**  
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**14th and Broadway**  
**OAKLAND**  
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**J. J. CARROLL, Prop**  
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**W. W. CAMRON,**  
**Real Estate and Financial Agent**  
Room 23, third floor, Crocker Bid'g. &







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<b>LEGAL.</b>					
R. C. Siebe.....	275	25	25	00	
R. C. Siebe.....	276	25	25	00	
R. C. Siebe.....	277	25	25	00	
R. C. Siebe.....	278	25	25	00	
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T. Weber, Tr.....	367	100	100	00	
T. Weber, Tr.....	368	100			

[illegible]



